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STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.			GLOYEEA, OLUSEGUN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/736,181	<b>Applicant(s)</b> TANDON ET AL.
	<b>Examiner</b> OLUSEGUN GOYE	<b>Art Unit</b> 3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 18 July 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.  
 4a) Of the above claim(s) 19 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 and 20-25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 December 2003 and 18 July 2008 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Prosecution History Summary***

This office action is in response to Applicant's submission filed on July 18, 2008.

Claims 1-18 and 20-25 are currently pending. Claims 5, 8, 13, 17, 20 and 25 have been amended. Claim 19 have been canceled.

### ***Response to Amendment***

Applicant's amendment to the specification and drawing is sufficient to overcome the specification objection in regards to figure 3 and paragraph 0044.

Applicant's amendment to claims 8 and 25 are sufficient to overcome the rejection under 35 U.S.C 112 regarding the used of a trademark or trade name.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1, 4-18 and 20-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20050114239 (Fiascone et al. – hereinafter referred to as Fiascone), and in view of US 7130822 (Their et al. – hereinafter referred to as Their).

Referring to **claim 1**, Fiascone discloses a system for reconciling financial transaction comprising:

matching the remote financial data to master financial data; [see, paragraph 0023 (lines 9-11)]

identifying an un-reconciled amount based on said matching; (see, paragraph 0024)

and generating a report including the un-reconciled amount. [see, paragraph 0025 (lines 1-10)]

But Fiascone does not explicitly disclose a system for reconciling financial transaction comprising:

transmitting a standardized template for entering financial data to a plurality of remote terminals, the standardized template operable on a plurality of operating systems;  
receiving remote financial data from the plurality of remote terminals via the standardized template;

However, Their teaches a similar system with the limitation:

transmitting a standardized template for entering financial data to a plurality of remote terminals, the standardized template operable on a plurality of operating systems; (see col. 2, lines 44-52 and 66-67; col. 3, lines 1-3, 16-20, 31-55 and 66-67)  
receiving remote financial data from the plurality of remote terminals via the standardized template; (col. 4, lines 1-5, 14-16 and 52-55)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the standardized templates as defined in Their in the system executing the method of Fiascone with the motivation of offering an improved reconciliation system taught by Fiascone.

Referring to **claim 4**, Fiascone discloses the system as applied in the rejection of claim 1 above, wherein the master financial data is stored in a first format and at least one of the remote terminals stores remote financial data in a second format. (see, paragraph 0020, 0021 and 0023 - *The format module converts the exchange data to a*

*common format as the firm data. Therefore, it would have been obvious that both the master and remote financial data are stored in different formats.)*

Referring to **claim 5**, Fiascone and Their disclose the system as applied in the rejection of claim 4 above. But Neither Fiascone nor Their explicitly disclose the limitation: said standard template configured to convert the remote financial data from the second format to the first format.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the standardized templates as in Their in the system executing the method of Fiascone. As in Their, it is within the capabilities of one of ordinary skill in the art to integrate and configure standardized templates in the format model to convert the received exchange data from the second format to the first format in Fiascone's invention with the predictable result of reconciling the both financial transaction data as needed in Fiascone. (see Fiascone, paragraph 0020; Their, col. 4, lines 14-16)

Referring to **claim 6**, Fiascone discloses the system as applied in the rejection of claim 1 above, comprising: updating a balance sheet based on the un-reconciled amount. (see paragraph 0029 – *It would have been obvious to one skilled in the art that the integration module can be linked to a balance sheet application where the data can be used for account balancing purposes.*)

Referring to **claim 7**, Fiascone discloses the system as applied in the rejection of claim 1 above. But Fiascone does not explicitly disclose the limitation: said remote financial data including a transaction involving an account, and said master financial data including a balance due for the account.

However, it would be obvious to one skilled in the art that the exchange account data and firm account data is analogous to remote financial data and master financial data respectively. In addition, the functions and capabilities of the system are applicable in various financial establishments. [see paragraph 0009 (lines 4-8)].

Referring to **claim 8**, Fiascone discloses the system as applied in the rejection of claim 1 above. But Fiascone does not explicitly disclose the limitation: said standardized template comprising: an operating system and application independent format.

However, Their teaches a similar system with the limitation: an operating system and application independent format. (see col. 3, lines 30-58 and 65-67; col. 4, line 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Fiascone so as to have included the limitation: an operating system and application independent format, in accordance with the teaching of Their, in order to have extended the system's compatibility with various operating platforms, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 9**, Fiascone discloses the system as applied in the rejection of claim 1 above. But Fiascone does not explicitly disclose the limitation: said receiving further comprising: scheduling a time for said receiving with the remote terminals.

However, Their teaches a similar system with the limitation: said receiving further comprising: scheduling a time for said receiving with the remote terminals. (see col. 4, lines 6-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Fiascone so as to have included the limitation: said receiving further comprising: scheduling a time for said receiving with the remote terminals, in accordance with the teaching of Their, in order to have extended the system use and capabilities, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 10**, Fiascone discloses the system as applied in the rejection of claim 1 above. But Fiascone does not explicitly disclose the limitation: said standardized template further comprising: a plurality of predefined templates for entering financial data.

However, Their teaches a similar system with the limitation: said standardized template further comprising: a plurality of predefined templates for entering financial

data. (see col. 4, lines 39-49 and 53-56; col. 7, lines 13-26 – *It would have been obvious to one skilled in the art at the time of the invention that the template can be easily configured to include predefined templates for entering financial data.*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Fiascone so as to have included the limitation: said standardized template further comprising: a plurality of predefined templates for entering financial data, in accordance with the teaching of Their, in order to have extended the system use and capabilities, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 11**, Fiascone discloses the system as applied in the rejection of claim 1 above. But Fiascone does not explicitly disclose the limitation: transmitting, to the remote terminals, a plurality of functions for generating customized templates for entering financial data.

However, Their teaches a similar system with the limitation: transmitting, to the remote terminals, a plurality of functions for generating customized templates for entering financial data. (see col. 2, lines 47-51 and 66-67; col. 3, lines 16-20 and 66-67; col. 4, lines 1-5 and 39-44 – *It would have been obvious to one skilled in the art at the time of the invention that the analysts can configure the budgeting system to include*

*functions/drivers transmitted with the template during download to generate customized templates for entering financial data.).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Fiascone so as to have included the limitation: transmitting, to the remote terminals, a plurality of functions for generating customized templates for entering financial data, in accordance with the teaching of Their, in order to have extended the system use and capabilities, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 12**, Fiascone discloses the system as applied in the rejection of claim 1 above, maintaining identification data of users authorized to enter the remote financial data. [see paragraph 0026 (lines 5-13)]

Referring to **claim 13**, Fiascone discloses a system for reconciling financial accounts comprising:

the transaction data stored in a first format by the remote terminal and converted to a standardized format by the standardized template; (see, paragraph 0019-0021)

reconciling a financial account corresponding to the transaction using master financial data stored in the standardized format; (see paragraph 0023)

identifying an un-reconciled amount corresponding to the transaction based on said reconciling, (see, paragraph 0024) and reporting the un-reconciled amount to the remote terminal. (see paragraph 0025)

But Fiascone does not explicitly disclose the limitation: receiving transaction data from a remote terminal via a standardized template.

However, Their teaches a similar system with the limitation: receiving transaction data from a remote terminal via a standardized template. (see col. 2, lines 66-67; col. 4, lines 1-5, 14-16 and 52-55 )

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Fiascone so as to have included the limitation: receiving transaction data from a remote terminal via a standardized template, in accordance with the teaching of Their, in order to have extended the system use and capabilities, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Regarding claim 13, the standardized templates as defined in Their can be incorporated in the format module in the system executing the method of Fiascone.

Referring to **claim 14**, Fiascone discloses the system as applied in the rejection of claim 13 above. But Fiascone does not explicitly disclose the limitation: receiving the transaction data at a scheduled time.

However, Their teaches a similar system with the limitation: receiving the transaction data at a scheduled time. (see col. 4, lines 6-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Fiascone so as to have included the limitation: receiving the transaction data at a scheduled time, in accordance with the teaching of Their, in order to have extended the system use and capabilities, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 15**, Fiascone discloses the system as applied in the rejection of claim 13 above. But Fiascone does not explicitly disclose the limitation: receiving the transaction data during a time of the transaction.

However, Their teaches a similar system with the limitation: receiving the transaction data during a time of the transaction. (see col. 4, lines 6-14 – *It is obvious that the system can be configured to obtain data at a specified time depending on its application.*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Fiascone so as to have included the limitation: receiving the transaction data during a time of the transaction, in accordance with the teaching of Their, in order to have extended the system use and capabilities,

since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 16**, Fiascone discloses a method for reconciling account and transaction data, comprising:

storing transaction data in a first format; (see, paragraph 0020)

converting the stored transaction data to a second format using a standardized template and operable to retrieve stored transaction data from a plurality of accounting software applications; (see, paragraph 0020 and 0021 – *It would be obvious to one skilled in the art that each exchange or brokerage house used a different accounting software.*)

transmitting the converted transaction data in the second format to a reconciliation system; (see, paragraph 0023)

and receiving a reconciliation report from the reconciliation system in response to said transmitting. (see, paragraph 0025)

But Fiascone does not explicitly disclose the limitation: the standardized template operable on a plurality of operating systems.

However, Their teaches a similar system with the limitation: the standardized template operable on a plurality of operating systems. (see col. 2, lines 44-52 and 66-67; col. 3, lines 1-3, 16-20, 31-55 and 66-67)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the standardized templates as defined in Their in the format module of the system executing the method of Fiascone with the motivation of offering an improved reconciliation system taught by Fiascone.

Referring to **claim 17**, Fiascone discloses a system to reconcile financial data, comprising:

a master component for storing master financial data for a plurality of accounts; (see, paragraph 0022)

a matching component for matching the account and transaction data with the master financial data; (see, paragraph 0023)

a clearance component for identifying un-reconciled accounts and transactions based on the account and transaction data; (see, paragraph 0024)

and an account component for reporting the account and transaction data. (see paragraph 0025)

But Fiascone does not explicitly disclose a system to reconcile financial data comprising:

a template component for providing a plurality of predefined templates for entering transaction and account data.

a capture component for receiving and storing account and transaction data via at least one of the plurality of predefined templates from a plurality of remote terminals

However, Their teaches a similar system with the limitations:

a template component for providing a plurality of predefined templates for entering transaction and account data. (see col. 2, lines 66-67; col. 3, lines 15-20 and 66-67; col. 4, lines 1-5 and 14-16 – *The templates are predefined by the financial analysts.*)

a capture component for receiving and storing account and transaction data via at least one of the plurality of predefined templates from a plurality of remote terminals. (see col. 4, lines 53-67)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Fiascone so as to have included the limitations: a template component for providing a plurality of predefined templates for entering transaction and account data and a capture component for receiving and storing account and transaction data via at least one of the plurality of predefined templates from a plurality of remote terminals, in accordance with the teaching of Their,

in order to have extended the system use and capabilities, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 18**, Fiascone discloses the system as applied in the rejection of claim 17 above. But Fiascone does not explicitly disclose the limitation: a schedule component for scheduling reconciliations with the remote terminals.

However, Their teaches a similar system with the limitation: a schedule component for scheduling reconciliations with the remote terminals. (see col. 4, lines 6-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Fiascone so as to have included the limitation: a schedule component for scheduling reconciliations with the remote terminals, in accordance with the teaching of Their, in order to have extended the system use and capabilities, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 20**, Fiascone discloses the system as applied in the rejection of claim 17 above. But Fiascone does not explicitly disclose the limitation: a plurality of functions for generating customized templates.

However, Their teaches a similar system with the limitation: a plurality of functions for generating customized templates. (see col. 2, lines 47-51 and 66-67; col. 3, lines 16-20 and 66-67; col. 4, lines 1-5 and 39-44 – *It would have been obvious to one skilled in the art at the time of the invention that the analysts can configure the budgeting system to include functions/drivers transmitted with the template during download to generate customized templates for entering financial data.*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Fiascone so as to have included the limitation: a plurality of functions for generating customized templates, in accordance with the teaching of Their, in order to have extended the system use and capabilities, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 21**, Fiascone discloses the system as applied in the rejection of claim 17 above, further comprising: a user maintenance component for maintaining identification data of authorized users. [see paragraph 0026 (lines 5-13)]

Referring to **claim 22**, Fiascone discloses the system as applied in the rejection of claim 17 above. But Fiascone does not explicitly disclose the limitation: a review component for reviewing uploaded account and transaction data.

However, Their teaches a similar system with the limitation: a review component for reviewing uploaded account and transaction data. (see col. 1, lines 48-58; col. 7, lines 26-29 and 40-51)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Fiascone so as to have included the limitation: a review component for reviewing uploaded account and transaction data, in accordance with the teaching of Their, in order to have extended the system use and capabilities, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 23**, Fiascone discloses the system as applied in the rejection of claim 17 above, further comprising: a login component for recognizing a user. [see paragraph 0026 (lines 5-13) and Figure 3]

Referring to **claim 24**, Fiascone discloses the system as applied in the rejection of claim 17 above. But Fiascone does not explicitly disclose the limitation: wherein each of said components comprises programming instructions that may be implemented by a plurality of computer operating systems.

However, Their teaches a similar system with the limitation: wherein each of said components comprises programming instructions that may be implemented by a plurality of computer operating systems. (see col. 3, lines 39-50)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Fiascone so as to have included the limitation: wherein each of said components comprises programming instructions that may be implemented by a plurality of computer operating systems, in accordance with the teaching of Their, in order to have extended the system use and capabilities, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 25**, Fiascone discloses the system as applied in the rejection of claim 17 above. But Fiascone does not explicitly disclose the limitation: wherein each of said components comprise operating system and application independent programming instructions.

However, Their teaches a similar system with the limitation wherein each of said components comprise operating system and application independent programming instructions. (see col. 3, lines 39-50)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Fiascone so as to have included the limitation: wherein each of said components comprise operating system and application independent programming instructions, in accordance with the teaching of Their, in order to have extended the system use and capabilities, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

**Claims 2 and 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20050114239 (Fiascone) in view of US 7130822 (Their) and further in view of US 5392390 (Crozier).

Referring to **claims 2 and 3**, Fiascone and Their disclose the system as applied in the rejection of claim 1 above. But Neither Fiascone nor Their explicitly disclose the limitations:

2) at least two of the remote terminals use different operating systems.

3) at least two of the remote terminals use different accounting software applications.

However, Crozier teaches a system with the limitations:

2) at least two of the remote terminals use different operating systems.

(see, col. 3, lines 27-30)

3) at least two of the remote terminals use different accounting software applications. (see, col. 3, lines 22-26)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system according to Fiascone and Their so as to have included the limitations: at least two of the remote terminals use different

operating systems and accounting software applications, in accordance with the teaching of Crozier, in order to have extended the capability and use of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

***Response to Arguments***

Applicant's arguments in regards to rejection of claims 1, 4-6 and 10-12 under 35 U.S.C 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection under 35 U.S.C 103(a) is made in view of US 7130822 (Their).

US 7130822 (Their) teaches the limitations that Fiascone lacks. The combination of its features with the system of Fiascone renders the Applicant's claimed invention unpatentable under obviousness.

Applicant argues that Fiascone does not teach or suggest: 1) receiving data via a standardized template because the standardized template is not created until after the data has been converted, matched, reconciled and reported and 2) there is a chronological difference between Fiascone and Applicant's embodied claims.

Applicant's arguments in regards to claim 13 with respect to US 20050114239 (Fiascone et al.) directed to the newly added amendment have been fully considered and are not persuasive.

Applicant argues that Fiascone does not teach or suggest: 1) receiving data via a standardized template because the standardized template is not created until the after the data has been converted, matched, reconciled and reported and 2) there is a chronological difference between Fiascone and Applicant's embodied claims.

In response to applicant's argument, Examiner respectfully disagrees. Applicant's argument is directed to the newly added feature of receiving transaction data from a remote terminal "via a standardized template" which was not recited in the rejected claim(s). This has been addressed in the updated rejection.

Applicant's arguments in regards to claim 17 with respect to US 20050114239 (Fiascone et al.) directed to the newly added amendment have been fully considered and are not persuasive.

Applicant argues that Fiascone does not teach or suggest receiving and storing account and transaction data via at least one of a plurality of predefined templates "from a plurality of remote terminals. Further, Applicant argues that Fiascone uses its templates for data adjustment has already been converted, matched, identified and reported.

In response to applicant's argument, Examiner respectfully disagrees. Applicant's argument is directed to the newly added feature of receiving and storing transaction data "via at least one of a plurality of predefined templates" from a plurality of remote terminal, which was not recited in the rejected claim(s). This has been addressed in the updated rejection.

Applicant's arguments regarding claims 2, 3 and 24 with respect to US 20050114239 (Fiascone et al.) in view of US 5392390 (Crozier) has been fully considered and are in moot of the updated rejection.

Applicant argues that Crozier does not overcome the deficiencies of Fiascone. Further, Applicant argues that since claims 2, 3 and 24 implicitly contain the elements of claims 1 or 17 and recites further unique features of the claimed invention, they are patentable over Fiascone in view of Crozier.

Applicant's arguments regarding claims 7, 9, 14, 15, 18 and 23 with respect to US 20050114239 (Fiascone et al.) in view of US 20030229541 (Randall et al.) has been fully considered and are in moot of the updated rejection.

Applicant argues that Randall does not overcome the deficiencies of Fiascone. Further, Applicant argues that since claims 9, 14, 15, 18 and 23 implicitly contain the elements of claim 1, 13 or 17 and recites further unique features of the claimed invention, they are patentable over Fiascone in view of Randall.

Applicant's arguments regarding claims 8, 20-22 and 25 with respect to US 20050114239 (Fiascone et al.) in view of US 20050044015 (Bracken et al.) has been fully considered and are in moot of the updated rejection.

Applicant argues that Randall does not overcome the deficiencies of Fiascone. Further, Applicant argues that since claims 8, 20-22 and 25 implicitly contain the

elements of claim 1 or 17 and recites further unique features of the claimed invention, they are patentable over Fiascone in view of Bracken.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEGUN GOYEA whose telephone number is (571)270-5402. The examiner can normally be reached on Monday through Thursday, 8:00am to 5:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on (571)272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. G./  
Examiner, Art Unit 3687

/Matthew S Gart/  
Supervisory Patent Examiner, Art

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